



#27 \$DAE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hugh CRAIG ) Confirmation No.: 1005  
Serial No.: 09/242,388 ) Group Art Unit: 1751  
Filed: February 16, 1999 ) Examiner: Hamlin, D.  
For: PRINTABLE COMPOSITIONS AND THEIR APPLICATION TO DIELECTRIC  
SURFACES USED IN THE MANUFACTURE OF PRINTED CIRCUIT BOARDS  
Atty's Docket No.: PI 00001P )

San Diego, California  
November 25, 2003

RECEIVED  
DEC 23 2003  
TC 1700

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER C.F.R. §1.81  
(NO FEE)

or, alternatively,

CONDITIONAL PETITION FOR REVIVAL OF APPLICATION FOR  
PATENT ABANDONED UNAVOIDABLY UNDER 37 C.F.R. 1.137(A)  
(FEE CONDITIONALLY ENCLOSED)

or, alternatively,

PETITION FOR REVIVAL OF APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(B)

02/25/2004 AXELLEY 00000016 09242386

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1330.00 OP  
110.00 OP

[or, alternatively as this correspondence may conditionally  
become forwarded from the Petitions Examiner]

Attention: Bus Issue Fee Due  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

12/02/2003 SSANDARA 00000030 09242388

01 FC:1453  
02 FC:1251

1330.00 OP  
110.00 OP

Dear Sir:

Adjustment Date: 02/25/2004 AXELLEY  
12/02/2003 SSANDARA 00000030 09242388  
01 FC:1453  
02 FC:1251

1330.00 OP  
110.00 OP

The above-identified patent application stands abandoned by  
the NOTICE attached hereto as Exhibit A. This response in the

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DEC 04 2003

OFFICE OF PETITIONS

form of a PETITION to said Exhibit A NOTICE is timely within the foreshortened statutory period, and is in any case occasioned by time necessary and proper to pull together (1) a power of attorney to the undersigned (attached hereto as Exhibit B) , and (2) a copy of said Exhibit A NOTICE, and also (3) a copy of the NOTICE OF ALLOWANCE AND ISSUE FEE DUE (attached hereto as Exhibit C), **both** of which Exhibit A and C NOTICEs will be noted to **not** be directed to Applicant's undersigned representative.

1. Administrative Matters

Administrative matters are suitably dealt with before proceeding to the substantive matter of the present Petition.

1.1 Change of Power of Attorney

This Petition, and the accompanying payment of issuance fee, is filed under the attached ASSOCIATE POWER OF ATTORNEY, or, alternatively should said POWER be in any way found inadequate, under Rule 34(a). (The ownership of the application has over time passed sequentially from (1) Locktite Multicore, Inc. to (2) Applicant Hugh Craig to (3) Dow Corning, Midland, Michigan. Each party has its own separate attorneys that were in sequence of time responsible for the present application. The frame and reel at which assignment to Dow Corning is recorded is not yet known, but the present Power, which should be of record, is presently in the in-house patent counsel of Dow Corning, with the undersigned being given an associate power.)

Applicant's undersigned representative **previously** attempted to change the Power of Attorney, when he previously had it, in an Amendment filed **by** Applicant's undersigned representative on January 17, 2003. (The Amendment succeeded in getting the case allowed.)

In an interview held in the offices of Examiner Hamlin in the PTO in Arlington in August, 2003, it was confirmed to

Applicant's undersigned representative that the power had **not** been changed. (At that time a copy of the NOTICE OF ALLOWABILITY was obtained directly from Examiner Hamlin, but a copy of the NOTICE OF ALLOWANCE AND ISSUE FEE DUE could **not** be obtained **even by Examiner Hamlin himself in direct telephonic contact with the Issuance Branch where the application file then was, nor** from the Issuance Branch directly by the undersigned, **because** the undersigned was **not** attorney of record.)

According that the Power of Attorney has not been changed, a Supplemental Oath, and New Power of Attorney (to Applicant's New Undersigned Representative) is now attached hereto as Exhibit B. Change of the Power of Attorney is requested. **If** this now so directed to be done by the Petitions Examiner, and will be done, **in the issuance branch**, then it is requested that the Petitions Examiner might draw attention to this paragraph, such as by overmarking it in red, so that the Issuance Branch does indeed change the correspondence address, as requested. (Conversely, the Petitions Examiner may simply wish to change the Power himself/herself.)

1.2. Status is Now Again as a Large Entity

The status of the present application when filed was as a large entity.

The status of the present application upon the occasion of the Amendment filed January 17, 2003, was then as a small entity.

The status of the present application is now again as a large entity.

This sequence of changes in status has been reviewed by Applicant's undersigned representative, and has been found to be correct. All fees enclosed herewith are appropriate to a large entity, as is **now** (again) the status of the application.

2. Applicant's Undersigned Representative Did Not Timely Receive the NOTICE OF ALLOWANCE AND ISSUE FEE DUE now attached hereto as Exhibit C and Such Delay in the Present Response Thereto as has Presumably Caused the Application to Go Abandoned is Therefore Excused Under 37 C.F.R. §1.81 (Covering Non-receipt of an Office Communication)

Applicant's undersigned representative did not timely receive the NOTICE OF ALLOWANCE AND ISSUE FEE DUE now attached hereto as Exhibit C, and such delay in the present response thereto (as has presumably caused the application to go abandoned) is excused under 37 C.F.R. §1.81 for non-receipt of an Office communication, to wit: said NOTICE OF ALLOWANCE AND ISSUE FEE DUE.

Neither Applicant nor Applicant's undersigned representative **timely** received this NOTICE OF ALLOWANCE nor any other Office communication via any route within such time period as would have permitted the issuance fee of the present application to be timely paid by its due date of July 22, 2003.

Instead, Applicant's undersigned representative **first** received the subject NOTICE OF ALLOWANCE AND ISSUE FEE DUE (from which the issue fee might be paid) (attached hereto as EXHIBIT C) from the former counsel of the present application Hoffmann & Baron on August 28, 2003. (Applicant acts in a timely manner thereafter to deal with the presumably abandoned status of the present application.)

In the Amendment to the previous application filed January 17, 2003, Applicant stated:

"This amendment is filed under Rule 34(a).

"Applicant and sole inventor Hugh Craig will submit the attached supplemental oath and declaration, and combined power of attorney newly to Applicant's undersigned representative, at such time as all amendments have been entered.

"Please enter the change of identity, and of address, of Applicant's undersigned representative in the records of the PTO for this application, and address all future

communications to Applicant's undersigned representative.  
"Thank you."

This attempted change in power of attorney, **even if defective**, **should** have been dealt with by the Office in accordance with the provisions of MPEP §402 wherein it states "Powers of attorney under 37 CFR 1.34(a) naming one of more registered individuals may be made."

An exemplary response by the Office wherein attempted change of the power has been found to be defective is attached hereto as the redacted document of Exhibit D. (This document, confidential to **another** application, should not become exposed within the file of **this** application, and is correspondingly redacted. **If** the Petitions Examiner **must** see the entire document, **then** the application number within which said document appears is upon the face of the document.)

As may be seen in the highlighted portion of the Exhibit D COMMUNICATION, the Office simply made a courtesy communication [in this case a duplicate document transmittal] to the registered attorney **not** [successfully, exclusively] having the power. **Should** the same have been done in the present application, **no** delay in payment of the issuance fee would have ensued.

Although the Office is never required to carry on duplicate correspondences, it is believed that the proper MPEP procedure is to call or otherwise notify a registered attorney that (1) an attempted change in the power has been found defective, and/or that (2) substantive action (the nature of which action may or may not go unspecified depending upon the nature of the defect in the Power) on the application is being taken, thus alerting the attorney (or applicant) that is attempting to assume the Power of the communication.

In the present application **no** such communication was received from the Office, and the **only** copy of substantive action (a NOTICE OF ALLOWANCE) in the application was sent to the

existing (and apparently continuing) attorney of record, and no notification was made to Applicant's undersigned representative to whom the power was attempted to be transferred.

Applicant's delayed payment of the issuance fee, enclosed herein, is thus excusable under 37 C.F.R. §1.81 for **non-receipt** of a PTO communication (or any notice thereof). (Applicant has acted in a timely manner once the present status of the application as abandoned was understood.)

Applicant requests that the check attached hereto in **conditional** payment of the fee for unavoidable abandonment be **destroyed**.

3. Alternatively, Revival of Application for Patent Abandoned Unavoidably Under 37 C.F.R. 1.137(A) is Conditionally Petition (Fee Therefore is Conditionally Enclosed)

Alternatively, and **should** the above Petition under 37 C.F.R. §1.81 be rejected, Applicant petitions for revival of the present application for patent for being abandoned unavoidably under 37 C.F.R. 1.137(A). The fee therefore is **conditionally** enclosed. (If abandonment is excused under 37 C.F.R. 1.81, above, **then** this fee is **not** owed, and the separate check therefore is requested to be **destroyed**.)

The above-identified application became abandoned for failure to file a timely and proper payment of issuance fee in response to a NOTICE OF ALLOWANCE AND ISSUE FEE DUE (plus other documents) mailed by the PTO on April 22, 2003.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

This Petition includes the Petition fee.

The required substantive reply is the payment of the issuance fee, enclosed herewith.

Applicant's showing, believed adequate, of the cause of unavoidable delay is that (1) Applicant attempted to change the Power of Attorney to the undersigned in his responsive amendment

of January 17, 2003, **but** (2) the Power was **not** changed, and (3) the PTO communications (including a NOTICE OF ALLOWANCE AND ISSUED FEE DUE) were sent to the **former** attorneys of record, and, under being under no obligation to Applicant, this Exhibit C NOTICE OF ALLOWANCE AND ISSUE FEE DUE was **not** timely forwarded by these attorneys to Applicant. (Applicant of course belatedly has the NOTICE now, and attaches a copy as Exhibit C.)

(This application is filed after June, 1995, and no terminal disclaimer is believed to be required.)

Applicant **now** proceeds in the status of a **large** entity. See 37 CFR 1.27. The fee appropriate to a large entity for this CONDITIONAL PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 C.F.R. 1.137(A) is conditionally enclosed, to be used if required.

In consideration of the preceding petition and explanation, the present application is deemed in condition for revival, and for issuance as a patent.

The action of the Primary Examiner/ Petitions Examiner to that end is earnestly solicited.

4. Alternatively, Revival of Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(B) is Petitioned (Partial Fee Therefore is Not Enclosed)

If the Petitions Examiner **cannot** find (1) that Applicant was attempting to change the power of attorney, **and** to discern the status of the application, and (2) that the PTO was at least compliant in the breakdown as led to non-timely payment of the issuance fee, **then** please consider this a Petition Under 37 C.F.R. 1.137(B) for Revival of an Application for Patent Abandoned Unintentionally.

The **full** fee therefore is **not** enclosed. Please contact the undersigned by telecommunications for immediate remittance of the fee balance.

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Applicant's undersigned attorney is at the disposal of either Examiner should either wish to discuss any matter which might expedite prosecution of this case.

Sincerely yours,

*William C. Fuess*

William C. Fuess  
Registration Number 30,054

FUESS & DAVIDENAS  
Attorneys-at-Law  
10951 Sorrento Valley Road  
Suite II-G  
San Diego, California 92121-1613  
Telephone: (858) 453-3574  
Facsimile: (858) 453-3574  
E-mail: FandD@ricochet.com

William C. Fuess  
[ ] Attorney of Record  
[X] Filed Under 37 CFR §1.34(a)

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Attention: Office of Petitions, Mail Stop Petition, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450 [with suggestion to  
alternatively forward this correspondence from to: Bus Issue Fee,  
Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450] on the date written below.

November 25, 2003 William C. Fuess

Date

Typed Name of Person  
Mailing Correspondence

Signature of Person Mailing  
Correspondence

*William C. Fuess*